

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 16-2256RE
)	
)	
MOSTAFA JAWADI)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about March 16, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Mostafa Jawadi*, No. 16-2256RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Mostafa Jawadi's real estate broker associate license (license no. 2005018655) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(16), (18), and (19), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on June 8, 2016, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Craig Jacobs. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Mostafa Jawadi*, Case No. 16-2256RE, issued March 16, 2016, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Mostafa Jawadi as a real estate broker associate, license number 2005018655. Respondent's broker associate license was current at all times relevant to this proceeding.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated March 16, 2016, in *Missouri Real Estate Commission v. Mostafa Jawadi*, Case No. 16-2256RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated March 16, 2016, Respondent's real estate broker associate license, number 2005018655, is subject to disciplinary action by the Commission pursuant to § 339.100.2(16), (18), and (19), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

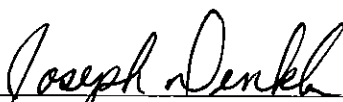
ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate broker associate license of Mostafa Jawadi (license no. 2005018655) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form, if Respondent has not already done so.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 17th DAY OF June, 2016.

MISSOURI REAL ESTATE COMMISSION



Joseph Denkler, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



REAL ESTATE COMMISSION
Petitioner,

v.

MOSTAFA JAWADI
Respondent,

No. 16-2256

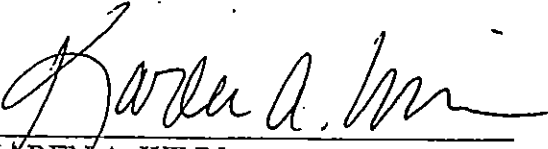
DEFAULT DECISION

On January 27, 2016, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before February 8, 2016.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on March 16, 2016.


KAREN A. WINN
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

JAN 27 2016

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI REAL ESTATE
COMMISSION
3605 Missouri Blvd.
P.O. Box 1339
Jefferson City, MO 65102-1339,

Petitioner,

v.

Case No. _____

MOSTAFA JAWADI
1805 Blue Ridge Road
Columbia, Missouri 65202
Telephone: (573) 529-0336

Respondent.

COMPLAINT

Petitioner, the Missouri Real Estate Commission (MREC), by and through the Missouri Attorney General's office, states for its cause of action as follows:

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo,¹ for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.180 and §§ 339.710 to 339.860, RSMo 2000 (as amended), relating to real estate salespersons and brokers.

¹All statutory citations are to the 2012 Cumulative Supplement to the Revised Statutes of Missouri, unless otherwise noted.

2. Respondent Mostafa Jawadi ("Jawadi") is licensed by the MREC as a real estate broker associate, license no. 2005018655. Jawadi's license is, and was at all relevant times herein, current and active. By the MREC's Findings of Fact, Conclusions of Law and Disciplinary Order, effective April 9, 2014, Jawadi was placed on probation until April 4, 2016.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100.2, RSMo.

4. On or about June 25, 2014, Jawadi pled guilty to one count of Stealing (Value of Property of Services is Less than \$500), a class A misdemeanor, under § 570.030, RSMo.

5. Jawadi's guilty plea was to Count I of the Information, which read as follows:

The Prosecuting Attorney of the County of Boone, State of Missouri, upon information and belief charges that the defendant:

Count I: In violation of Section 570.030, RSMo, committed the class A misdemeanor of stealing, . . . , in that on or about February 22, 2014, in the county of Boone, State of Missouri, the defendant appropriated a heart monitor, which property was owned by Walmart, and the defendant appropriated such property without the consent of Walmart and with the purpose to deprive it thereof.

6. Section 570.030.1, RSMo, which defines the crime of stealing, states:

A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

7. Section 339.100.2, RSMo (Supp. 2013), establishing jurisdiction and setting forth the grounds for discipline, provides in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

.....

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

.....

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

8. Section 339.040.1, RSMo (Supp. 2013), setting forth the grounds for issuance of a real estate license, states:

Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

...

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

9. Based on facts alleged above, Jawadi has engaged in conduct that would be grounds for the MREC to refuse to issue a license under section 339.040, providing cause to discipline his license pursuant to § 339.100.2(16), RSMo.

10. Jawadi's guilty plea to the crime of Stealing, provides cause to discipline Jawadi's license pursuant to § 339.100.2(18), RSMo (Supp. 2013), in that Jawadi pled guilty in a criminal prosecution under the laws of this

State 1) to an offense that is reasonably related to the qualifications, functions and/or duties of a real estate broker associate, 2) to an offense of which an essential element is fraud and/or dishonesty, and/or 3) to an offense which involves moral turpitude.

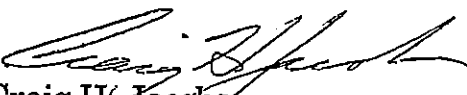
11. Jawadi's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause to discipline Jawadi's license under § 339.100.2(19), RSMo.

12. Cause exists to discipline Jawadi's license as a real estate broker associate pursuant to § 339.100.2(16), (18), and/or (19), RSMo.

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and issue its Findings of Fact and Conclusions of Law determining that Petitioner may take disciplinary action against the license of Respondent, Mostafa Jawadi, as a real estate broker associate for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General


Craig H. Jacobs

Assistant Attorney General
Missouri Bar No.48358

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